

REMARKS/ARGUMENTS

I. STATUS

Applicants have received the Office Action dated August 8, 2008, in which the Examiner: 1) rejected claims 21-25, 30-33, 38-42, 44, 49-57, 61-63, 65-69, 73-76, 78-85, 88 and 89 under 35 U.S.C. § 103(a) as allegedly obvious over Scully et al. (U.S. Pat. No. 5,982,399, hereinafter "Scully") in view of Murphy (U.S. Pat. No. 6,348,919, hereinafter "Murphy"), Krech, Jr. (U.S. Pat. No. 6,057,852, hereinafter "Krech") and Applicant's Admitted Prior Art (hereinafter "APA"); 2) rejected claims 26 and 70 under 35 U.S.C. § 103(a) as allegedly obvious over Scully in view of Murphy, APA, Krech and "Open GL™ Reference Manual" (pg. 300, 1992; hereinafter "Open GL"); and 3) objected to claims 27-29, 34-37, 43, 45-48, 58-60, 64, 71, 77, 86 and 87 as dependent upon a rejected base claim but otherwise allowable.

With this Response, Applicants have amended claims 21, 41, 44-45, 48-49, 51-58, 62, 64, 67 and 83 and canceled claims 28, 47, 72, 77 and 87. Based on the amendments and arguments herein, Applicants respectfully submit that all pending claims are in condition for allowance.

II. REJECTIONS IN VIEW OF SCULLY, MURPHY, KRECH AND APA

Applicants hereby amend independent claim 21 to contain the following limitation:

...wherein the graphics application is modified based upon performance improvements achieved in the graphics hardware when provided the optimized graphics call sequence, the modified graphics application producing the optimized graphics call sequence rather than the original graphics call sequence.

The Examiner has agreed that this limitation, previously found in now-canceled claim 28, contains patentable subject matter. Accordingly, Applicants respectfully ask the Examiner to remove this obviousness rejection against independent claim 21 and dependent claims 22-27 and 29-40.

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Applicants hereby amend independent claim 41 to contain the following limitation:

...wherein restructuring the original graphics call sequence comprises compiling a continuous series of primitive command sets that are to be rendered with a common graphics state values preceded by graphics state calls necessary to establish the common graphics state values in which the primitive command sets are to be rendered.

The Examiner has agreed that this limitation, previously found in now-canceled claim 47, contains patentable subject matter. Accordingly, Applicants respectfully ask that the Examiner withdraw this obviousness rejection against independent claim 41 and dependent claims 42-46 and 48-66.

Applicants hereby amend independent claim 67 to include the following limitation:

...wherein the optimization means comprises state compiling means for compiling primitive command sets in the original graphics primitive sequence in accordance with graphics state values in which they are to be rendered and for generating one or more sequences of the compiled primitive command sets preceded by graphics state calls necessary to establish a common graphics state values.

The Examiner has agreed that this limitation, previously found in now-canceled dependent claim 77, contains patentable subject matter. Accordingly, Applicants respectfully ask the Examiner to withdraw this obviousness rejection against independent claim 67 and dependent claims 68-71, 73-76 and 78-82.

Applicants hereby amend independent claim 83 to include the following limitation:

...wherein the restructuring the original graphics call sequence comprises creating a vertex array having vertices identified in a series of graphics vertex calls of a primitive command set for reference by an associated pointer and graphics array call to render one or more of a specified primitive.

The Examiner has agreed that this limitation, previously found in now-canceled dependent claim 87, contains patentable subject matter. Accordingly,

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Applicants respectfully ask the Examiner to withdraw this obviousness rejection against independent claim 83 and dependent claims 84-86 and 88-89.

III. REJECTIONS IN VIEW OF SCULLY, MURPHY, KRECH, APA AND OPEN GL

Dependent claims 26 and 70 stand rejected as allegedly obvious in view of Scully, Murphy, Krech, APA and Open GL. However, these claims depend on independent claims that now contain limitations already declared patentable over all art of record by the Examiner. Thus, Applicants request that the Examiner remove this obviousness rejection against these claims.

IV. OBJECTED-TO CLAIMS

Applicants thank the Examiner for recognizing the patentability of claims 27, 29, 34-37, 43, 45-46, 48, 58-60, 64, 71 and 86.

V. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including

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fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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